

**TIMBER SALE PROSPECTUS**

<b>Sale Name :</b>	Ridge Blowdown SSTS	<b>Type of Sale :</b>	Scaled
<b>National Forest :</b>	Plumas	<b>Ranger District :</b>	Beckwourth
<b>Bidding Method :</b>	Sealed Bid	<b>Bid Guarantee :</b>	\$500.00

**Location of Bid Opening :** Beckwourth Ranger District, 23 Mohawk Drive, Blairsden CA

**Date :** 11/06/2013

**Time :** 10:00 AM

**1. INTRODUCTION.** This prospectus furnishes prospective bidders with information not contained in the published advertisement and is designed to enable bidders to decide whether or not to further investigate the sale. The prospectus is not a legally binding document, but is offered to provide general information about a sale. The contract does not include descriptions, estimates, and other data in this prospectus, unless otherwise stated. In the event that the prospectus contains an error or contradicts the sample contract, the contract governs. Bidders are urged to examine the timber sale and make their own estimates. Timber sale Contract 2400-6 will be used. Inspect the sale area and the sample contract before submitting a bid. Obtain the appraisal, other information on the timber, and conditions of sale and bidding at Forest Service offices listed above and in the named attached advertisement.

**2. BIDDING.** This is a Sealed Bid sale. Bidders must submit sealed bids on prepared forms they can obtain from Forest Service offices listed above and in the attached advertisement. The forms include instructions for bidding and submission of the required certifications. A bid guarantee must be included with the bid in the form of cash, a bid bond on form FS-6500-13 (4/82) or later, certification of annual bid bond allocation on form FS-6500-13a (4/82) or later, an irrevocable letter of credit, a certified check, bank draft, cashiers check, official bank check, or bank or postal money order payable to the Forest Service, USDA in the amount specified above and in the bid form. The bid guarantee shall be returned to each bidder whose bid is not accepted.

This sale is set aside for small business firms with 25 or fewer employees. The Forest Service shall readvertise the sale without restriction on the size of bidders if no self-certifying, qualified small business concern makes a valid bid.

**Total Sale Value Bidding:**

Prospective purchasers must submit bids in terms of the minimum acceptable total sale value. The bid form states minimum acceptable bid rates and estimated quantities of timber, together with the minimum acceptable total sale value. The advertised minimum acceptable total sale value is only for the biddable species, as listed on the bid form in the upper section of block 14. It does not include any non-biddable, fixed rate species listed in the lower section of block 14 titled "Required Removal at Fixed Rate. Only the Fixed Rate Applies." The bidder should enter the offer on the bid form only in terms of the total sale value. The Forest Service shall establish bid rates by species in the contract by multiplying each species' minimum acceptable bid rate by the bid increase percentage. Such rates will be rounded to the nearest cent. The bid increase percentage is the bidder's total sale value bid rate divided by the minimum acceptable total sale value. The total amount for stumpage is the volume of each biddable species multiplied by its bid rate, plus the volume of each fixed rate species multiplied by its fixed rate.

**3. LOCATION AND DESCRIPTION OF TIMBER.** Refer to the sample contract and sale area map attached to the sample contract for legal location of sale area, location of subdivisions, location of cutting units, the acreage of sale area, and the cutting unit acreage.

THE FOLLOWING GENERAL LOCATION, ROUTES OF ACCESS, ACREAGES, AND OTHER SPECIAL LOCATION DATA DO NOT SUPERSEDE THE SALE AREA MAP OR SAMPLE CONTRACT.

The Ridge Blowdown SSTS Timber Sale is located on the Beckwourth Ranger District of the Plumas National Forest, approximately 11 miles south of the town of Sloat, CA. To reach the sale area from the junction of Hwy 70/Hwy 89, travel west on Hwy 70 for

approximately 8 miles to the Sloat Rd (Plumas County Road 509). Head South on PC 509 for roughly 2 miles. Turn left on 23N08 and head roughly 2.5 miles, turn right on the 23N09 road, travel approximately 7 miles, the unit is on both sides of the road at the 23N48Y intersection.

This sale is comprised of downed conifer sawtimber trees from 10.0 inches DBH and greater within one, 12 acre, tractor, Individual Tree Selection (ITS) treatment unit.

This sale includes an estimated 63 MBF of white fir/red fir and sugar pine sawtimber designated for removal by an individual tree selection (ITS) cut tree mark with blue tracer paint. All boundaries of the sale area are designated with pink tracer paint.

**4. TIMBER QUANTITIES AND RATES.** The quality, size, cut per acre, and product suitability of the timber are estimates based on detailed cruise information on file and available for inspection at the Forest Service offices listed above and in the advertisement. VOLUME QUANTITIES LISTED HEREIN ARE MADE AVAILABLE WITH THE UNDERSTANDING THAT VALUES SHOWN ARE FOREST SERVICE ESTIMATES AND ARE NOT GUARANTEED. For these reasons, bidders are urged to examine the timber sale area and make their own estimates.

THE MINIMUM ACCEPTABLE BID RATE IS STATED IN THE ATTACHED BID FORM. THESE RATES ARE EFFECTIVE AT THE TIME OF ADVERTISEMENT.

**Estimated Quantities and Minimum Acceptable Rates  
per Unit of Measure**

Species	Product	Unit of Measure	Estimated Quantities	Average DBH	Minimum Acceptable Bid Rates	Base Rates	Required Deposits	
							Slash Disposal	Road Maintenance
Salvage Douglas Fir	Sawtimber	MBF	0.01	N/A	\$88.79	\$6.00	\$0.95	\$0.00
Salvage Incense Cedar	Sawtimber	MBF	0.01	N/A	\$111.70	\$10.00	\$0.95	\$0.00
Salvage Lodgepole Pine	Sawtimber	MBF	0.01	N/A	\$2.00	\$2.00	\$0.95	\$0.00
Salvage Ponderosa Pine	Sawtimber	MBF	0.01	N/A	\$43.77	\$10.00	\$0.95	\$0.00
Salvage Sugar Pine	Sawtimber	MBF	0.67	N/A	\$48.87	\$10.00	\$0.95	\$0.00
Salvage White Fir	Sawtimber	MBF	62.31	N/A	\$78.73	\$6.00	\$0.95	\$0.00
<b>TOTAL</b>		MBF	63.02				\$59.87	\$0.00

The minimum acceptable total sale value bid for advertised timber is \$4,940.87. It does not include any non-biddable, fixed rate species listed on the bid form in the lower section of block 14 titled "Required Removal at Fixed Rate. Only the Fixed Rate Applies." The total amount for stumpage is the volume of each biddable species multiplied by its bid rate, plus the volume of each fixed rate species multiplied by its fixed rate.

The bid rate for species and unit of measure are assigned under procedures for average bid premium bidding, as noted in this prospectus. This rate has been established by appraisal, with a cost allowance for the roads specified by the contract, if any. Required deposits for slash disposal and road maintenance are in addition to the advertised rates for timber.

**5. PERIOD OF CONTRACT.** The normal operating season covers the period between 06/01 and 10/31. Contract termination date is 09/30/2014. Extensions of this contract may be granted only when the purchaser has met specified conditions.

If an appeal or lawsuit is filed challenging the decision to award this contract or upon determination by the Regional Forester that conditions existing on this timber sale are the same as, or nearly the same as, conditions existing on other timber sale(s) in appeal or litigation, Contracting Officer may delay award or reject all bids. If delay in award is for 30 days or more during Normal Operating Season after bid opening, Contracting Officer shall, upon award, adjust the contract term to include additional calendar days in one or more Normal Operating Seasons equal to the time award is delayed during Normal Operating Season.

**6. PAYMENT.** Payment for timber and any required deposits for slash disposal or road maintenance are required in advance of cutting. The Purchaser may transfer purchaser credit into the contract, or provide an acceptable payment guarantee prior to cutting. Payment for required deposits must be a cash payment. The purchaser shall make advance deposits in accordance with provision B(T)4.212 - Advance Deposits.

The high bidder whose bid is accepted shall, at the time the contract is signed and returned by the bidder, make a downpayment pursuant to Title 36, Section 223.49, of the Code of Federal Regulations. The Contracting Officer will notify the high bidder of the amount necessary to make this payment. In no case shall the downpayment be less than 10 percent of the total advertised value plus 20 percent of the bid premium. After receipt of the downpayment and a satisfactory performance bond and upon execution of the timber sale contract, the Forest Service will return the bid guarantee. A cash bid guarantee may be applied to the downpayment at the request of the purchaser. The purchaser cannot apply the amount deposited as a downpayment to cover other obligations due on the sale until conditions stated in the contract for release of downpayment have been met. Refer to the sample contract for the specific conditions.

**7. PERFORMANCE BOND.** A performance bond is required. The penal sum of the bond will be 10 percent of the total bid value of the sale, rounded up to the nearest \$100 when the total bid value is \$10,000 or less; and rounded up to the nearest \$1,000 when the total bid value exceeds \$10,000 or \$500.00 whichever is greater. If an irrevocable letter of credit is used to secure the performance bond, the termination of the letter of credit must be at least 6 months past the contract termination date.

**8. SPECIFIED ROADS.** Not Applicable.

**9. ROAD MAINTENANCE.** Purchaser shall perform or pay for road maintenance work, commensurate with purchaser's use, on roads controlled by Forest Service, and used by purchaser in connection with this sale. Road maintenance requirements are based on the predicted haul route. Any change in the purchaser's actual haul route may necessitate a change in the roads to be maintained and/or in the amount of required deposit for road maintenance. Required deposits for road maintenance are listed in Section 4 and in the sample contract. Maintenance specifications are in the sample contract.

**10. INAPPLICABLE STANDARD PROVISIONS.** See sample contract.

**11. SPECIAL PROVISIONS.** See sample contract.

**12. SET-ASIDE SALES.** Preferential award of this sale to a self-certifying, qualified small business concern is authorized by section 15 of the Small Business Act of 1958. Firms eligible for such preferential bidding must have 25 or fewer employees and must certify their status in accordance with instructions enclosed with the bid form. The bidder, by signing the bid for advertised timber, certifies its small business status and agrees to the provisions of the sample contract including disposal and record keeping.

The high bidder's size status is subject to verification by the Small Business Administration (SBA). A small business that does not qualify for the program must obtain a recertification of size from SBA before self-certifying again for small business set-aside sales.

**13. LOG EXPORT AND SUBSTITUTION RESTRICTIONS.** The contract requires domestic processing of included timber except for species declared to be surplus, and prohibits the use of such included timber in substitution for unprocessed private timber exported. The bidder, by signing the bid for advertised timber, certifies compliance with the applicable prohibitions against export and substitution prescribed in the Forest Resources Conservation and Shortage Relief Act of 1990, as amended (16 U.S.C. 620, *et seq.*) with each bid.

**14. EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE REVIEW.** If the total bid value plus required deposits for this contract exceeds \$10 million, before award, the Forest Service shall request an equal employment opportunity compliance review of the high bidder to determine compliance with the provisions of Executive Order 11246 of September 24, 1965, as amended by Executive Order 11375 of October 13, 1967 and Executive Order No. 12086 of October 5, 1978.

**15. AWARD.** The Contracting Officer is required to make a determination of bidder responsibility as stated in Title 36, Section 223.101, of the Code of Federal Regulations.

To determine a purchaser to be responsible, a Contracting Officer must find that:

- a. The purchaser has adequate financial resources to perform the contract or the ability to obtain them;
- b. The purchaser is able to perform the contract within the contract term taking into consideration all existing contracts and Governmental business commitments;
- c. The purchaser has a satisfactory performance record on timber sale contracts. A prospective purchaser that is or recently has been seriously deficient in contract performance shall be presumed not to be responsible, unless the Contracting Officer determines that the circumstances were beyond the purchaser's control and were not created through improper actions by the purchaser or affiliate, or that the purchaser has taken appropriate corrective action. Past failure to apply sufficient tenacity and perseverance to perform acceptably under a contract is strong evidence that a purchaser is not a responsible contractor. The Contracting Officer shall consider the number of contracts involved and extent of deficiency of each in making this evaluation;
- d. The purchaser has a satisfactory record of integrity and business ethics;
- e. The purchaser has or is able to obtain equipment and supplies suitable for logging the timber and for meeting the resource protection provisions of the contract;
- f. The purchaser is otherwise qualified and eligible to receive an award under applicable laws and regulations.

Bidders, by signing the bid form, certify that, to the best of bidder's knowledge the bidder will meet the requirements in 36 CFR 223.101, determination of purchaser responsibility, and, if awarded this contract, that bidder will complete the timber sale contract and any modifications thereof in accordance with its terms including requirements to purchase, cut, and remove included timber.

**16. FALSE STATEMENTS ACT.** Bidders, by signing the bid form, certify that they are aware that bidder is subject to the penalties prescribed in 18 U.S.C. 1001, Chapter 47, Fraud and False Statements (P.L. 104-45). The Act states "whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under this title or imprisoned not more than 5 years, or both."

**17. DAMAGES.** This contract shall be terminated for breach pursuant to paragraph 16, 19, and/or 21 of the bid form and the terms of the sample contract if: 1) bidder fails to execute a timber sale contract, furnish a downpayment, or furnish a satisfactory performance bond within 30 days of the award letter's date; or 2) bidder is found to have violated the False Statements Act in making any statement or certification on the bid form including not meeting purchaser responsibility requirements, and bidder has made a false statement. The bid guarantee shall be retained, in whole or in part, by the Forest Service to satisfy any damages that may be assessed.

**18. SUSPENSION AND DEBARMENT CERTIFICATION.** Non-procurement debarments and suspensions are governed by the Government-wide common rules (7 CFR 3017).

These rules require each timber sale purchaser, to submit a certification for itself, its principals, and its affiliates when bidding on sales. The bidder must designate its status regarding debarment, suspension, and other matters as specified on the bid form. The bidder, by signing the bid form, certifies this status. An explanation for not submitting a certification may be submitted. The Contracting Officer will determine whether the explanation provides sufficient reason for permitting participation in the bidding. Also, as a timber sale purchaser enters into transactions with subcontractors, these subcontractors must certify their eligibility. The certification titled "Subcontractor Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion" must be provided to subcontractors, but completed certifications are not required to be submitted with bid forms. Purchaser must keep these subcontractor certification forms on file for review by the Forest Service, if requested.

The certification forms and instructions for subcontractor transactions are provided as an addendum to the bid form.

**19. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) LOGGING REGULATIONS.** Conduct of operations on this timber sale is subject to inspection for compliance with the logging operations regulations at 29 CFR 1910.266 by OSHA. This standard is applicable to the entire logging industry wherever logging operations occur. Information is available to assist purchasers to ensure compliance with the logging operations regulations during conduct of this timber sale from the U.S. Department of Labor, Occupational Safety and Health Administration, OSHA, California Department of Industrial Relations, 1515 Clay Street, Suite 1901, Oakland, California 94612.

## 20. GENERAL.

Notice of Similar Litigation: Bidders are hereby put on notice that the 2004 Sierra Nevada Framework NEPA document and associated decision for the Ridge Blowdown SSTs Timber Sale are currently involved in litigation in the case of 2004 Sierra Nevada Framework. While the NEPA document and associated decision for this sale are not currently involved in litigation, this sale involved issues similar to those being litigated in 2004 Sierra Nevada Framework. Consequently, this sale may be affected by that lawsuit, potentially resulting in contract suspension, modification, or termination. The contract provides for limited remedies in cases of suspension, modification or termination, due to litigation.

**C2.35# DESIGNATION OF TIMBER, CUTTING UNIT BOUNDARIES, AND SUBDIVISION/PAYMENT UNIT BOUNDARIES (6/2012)** Trees are designated for cutting under B2.35 only if individual trees are marked above and below stump height in blue paint. Boundaries are designated in with pink paint.

**C5.35# ROAD AND WATER SUPPLY USE.** Purchaser shall make Required Surface Replacement Deposits of \$9.89 per MBF.

**C6.24# SITE SPECIFIC SPECIAL PROTECTION MEASURES. (4/04)** Special protection measures needed to protect known areas identified on Sale Area Map or on the ground include:

**Cultural Resource Protection Measures:** Boundary sites are designated with red/black stripe flagging (may fade to orange/black after time). Sites may have red/black 3x4 tags with (CA) written on them. Site locations are recorded on the Heritage Resource Map, 3 of 3 of the Sale Area Map (SAM). All sites will be avoided by all project operations.

**Wildlife Protection Measures:** For the protection of aquatic species; at any approved water drafting site (see Sale Area Map), the use of a FGM 5161 or similar foot valve with opening less than 2mm will be required. Additionally, the foot valve shall be placed in the deepest section of the water source on a shovel, or plastic/canvas bucket after the site has been inspected for frogs or their eggs. Report and protect all wildlife guzzlers. Locations are in and around subdivisions and near haul roads, see Sale Area Map for locations. Wildlife protection areas are designated with pink/black stripe flagging and/or located on Sale Area Map (SAM) and shall be avoided by all Purchasers' operations.

**Botanical Protection Measures:** Site Boundaries are identified with blue/black stripe flagging and/or red/black stripe flagging along with 3x4 red (may fade to orange/brown) tags with (CA) written on them, the sites are behind these signs. All sites will be avoided by Purchasers operations. Noxious weeds are designated with orange and black Noxious Weeds flagging and shall be avoided by all Purchasers operations; refer to Sale Area Map for Noxious Weed locations.

**C6.315# SALE OPERATIONS SCHEDULE.** Unless otherwise agreed in writing, Purchasers operations s All subdivisions

**Sale Area:** Operations may occur when soil is dry; that is, soil moisture in the upper 8 inches is not sufficient to allow a soil sample to be squeezed and hold its shape, or will crumble when the hand is tapped. Winter operations may occur only when the ground is frozen to a depth of 5 inches or snow depth is at least 18 inches or is compacted by equipment to 8 inches.

**C6.41# FELLING, BUCKING, AND LIMBING.** Within areas designated DF on Sale Area Map, Included Timber shall be directionally felled away from control areas (CA), improvements, survey monuments, RHCAs/SMZs, meadows, springs, cattleguards, fencelines, power and water lines and private property with the use of specialized equipment. Such directional felling shall not be required when in the fallers judgment it is unsafe to do so, and shall be left standing.

Within areas shown on Sale Area Map, trees larger than or equal to 20 inches DBH shall be bucked into two or more pieces with the butt portion being no longer than 41 feet prior to skidding/yarding. The butt log shall be limbed prior to skidding/yarding.

**C6.42# GROUND BASED SKIDDING.** Skid roads will average 80-120 feet from center to center, except where converging. Endlining shall not be required for distances in excess of 50 feet uphill, and 100 feet downhill.

**C6.6# EROSION PREVENTION AND CONTROL.** Where soil has been disturbed by Purchaser's Operations and the establishment of vegetation is needed to minimize erosion, Purchaser shall take appropriate measures normally used to establish an adequate cover of grass or other vegetation acceptable to Forest Service or take other agreed stabilization measures.

Tillage of landings, main skid-tractor roads and temporary roads will be required up a maximum of 0.5 acres.

**C 7.22# - EMERGENCY PRECAUTIONS.** The Project Activity Level (PAL), an industrial operation's fire precaution system, will be used for this sale. The Quincy, Pierce and Cashman SIG will be used to calculate the Project Activity Level. The "normal operating season" is from June 1 to October 31. The Expected Days per Month at each PAL value for the "normal operating season" has been calculated as - May: 3 days (Level C), 0 days for the other PAL levels; June: 2 days (Level A), 3 days (Level B), 15 days (Level C), 4 days (Level D), 4 days (Level Ev), 0 days (Level E); July: 7 days (Level C), 11 days (Level D), 12 days (Level Ev), 0 days for the other PAL levels; August: 3 days (Level C), 8 days (Level D), 13 days (Level Ev), 0 days for the other PAL levels; September: 0 days (Level A), 1 day (Level B), 7 days (Level C), 9 days (Level D), 11 days (Level Ev), 1 day (Level E); October: 2 days (Level A), 3 days (Level B), 16 days (Level C), 3 days (Level D), 1 day (Level Ev), 0 days (Level E). These values were calculated from actual PAL days from the year 2005 to 2010. Days have been rounded to whole numbers.

This timber sale contract has been designed for Third Party Scaling and includes C6.815 Third Party Scaling Services. Under this provision, the Purchaser shall bear the cost of scaling services.

The Ridge Blowdown SSTS project shares a common boundary with other projects. Boundaries and trees designated for cutting may have similar paint color and/or ribbon color. Refer to the Sale Area Map for correct units.

**LIMITATION OF LIABILITY:** This is to notify perspective bidders on the Ridge Blowdown SSTS that a PRE-AWARD WAIVER, RELEASE AND LIMITATION OF LIABILITY AGREEMENT will likely be required prior to award of this contract. A sample of this agreement is available at the Beckwourth Ranger District, Blairsdén, CA.

Contractors submitting an offer under this solicitation must include form AD-3050-FS Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applications. This form is available electronically at: <http://www.ocio.usda.gov/policy-directives-records-forms/forms-management/approved-computer-generated-forms>

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